

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

BLAYDE GRAYSON

PETITIONER

VS.

CIVIL ACTION NO.: 1:04CV708CWR

**EARNEST LEE, Superintendent, Mississippi
State Penitentiary; MARSHALL L. FISHER,
Commissioner, Mississippi Department of
Corrections; and JIM HOOD, Attorney
General of the State of Mississippi**

RESPONDENTS

ORDER ALLOWING ACCESS

This matter came before the Court on the Motion for Access by Expert Psychiatrist [Doc. #93] filed by the Petitioner, Blayde Grayson. The Motion seeks leave for Dr. Donna S. Maddox, who has been approved by this Court to provide expert assistance in this case, to visit Grayson for the purpose of conducting her evaluation of him. A similar Motion was made previously for the other court-approved expert, Dr. Tora Brawley, to visit Grayson [Doc. #60]. In conjunction with that Motion, the parties presented an Agreed Order Allowing Access [Doc. #61] to the Court, and that Order was signed and entered. The relief sought by the current Motion is the same as the relief previously sought, with one exception: Grayson asks the Court to Order that Dr. Maddox may make multiple visits to evaluate him in the Mississippi State Penitentiary, without the need to seek a further order from this Court. Counsel for Grayson has been unable to communicate with counsel for the Mississippi Department of Corrections to draft an agreed order.

MDOC's Standard Operating Procedure 20-01-01 sets out guidelines for inmate visitation by mental health professionals obtained by an inmate's attorney. Grayson states in his Motion that Dr. Maddox's visit will be conducted in compliance with MDOC rules. The SOP requires that a

court order be obtained “prior to setting up the visit.” Having reviewed the Motion and the SOP, the Court is of the opinion that the issuance of a single order from this Court should suffice to permit Dr. Maddox to arrange for multiple visits with Grayson, so long as the arrangements are made and the visits are conducted in compliance with SOP 20-01-01. In all other respects, the Court will grant this Motion under the same conditions as the earlier Agreed Order.

IT IS, THEREFORE, ORDERED that Dr. Donna S. Maddox be, and hereby is, granted access to Blayde Grayson at the Mississippi State Penitentiary in order to evaluate and test him. The evaluation shall take place in compliance with the rules and regulations of the Mississippi Department of Corrections, and it may occur on multiple dates. For each visit, Dr. Maddox must make an appointment to visit with Grayson at least 24 hours in advance for a State work day from 8 a.m. to 5 p.m. with the Mississippi Department of Corrections’s Inmate Legal Assistance Program at the Mississippi State Penitentiary (Phone 662-745-6611, ext. 4176, from 8 a.m. to 5 p.m. Monday through Friday, except State Holidays). Dr. Maddox will bring picture identification and a copy of her professional credentials to the visit, as well as a signed copy of this Order.

IT IS FURTHER ORDERED that the evaluation and testing will take place with only Blayde Grayson, his expert, and one of his counsel present, if they so choose. Dr. Maddox is knowingly, voluntarily and intentionally entering into this prison visit with Grayson without prison security in the room. Should counsel elect to participate in the visit, he or she is also knowingly, voluntarily and intentionally entering into this prison visit with Grayson without prison security in the room. The Mississippi Department of Corrections shall provide a quiet room with a table large enough for two people to sit comfortably during the evaluation and testing of Grayson. One of Grayson’s hands shall remain unrestrained during the evaluation and testing, if requested by Dr.

Maddox. Dr. Maddox shall also be allowed the use of her testing equipment, which will include a suitcase with pens, pencils, a notepad and a stethoscope.

IT IS SO ORDERED, this the 2nd day of November, 2016.

/s/ Carlton W. Reeves

Hon. Carlton W. Reeves
United States District Judge